

The original documents are located in Box 55, folder “9/13/76 S2862 Authorizing Appropriations for the Federal Fire Prevention and Control Act of 1974” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED

SEP 13 1976

Statement issued 9/13/76
PRIVATE CREAMY
5pm
over office

THE WHITE HOUSE

WASHINGTON
September 10, 1976

ACTION

Last Day: September 13

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *T. Cannon*

SUBJECT:

S. 2862 - Authorizing Appropriations
for the Federal Fire Prevention
and Control Act of 1974

Attached for your consideration is S. 2862, sponsored by
Senators Magnuson and Pearson.

The enrolled bill authorizes appropriations of \$3.75 million
for the transition quarter, \$15 million for 1977 and \$20
million for 1978 for the National Fire Prevention and Control
Administration and authorizes appropriations of \$1.275 million
for the transition quarter, \$5.5 million for 1977 and \$6
million for 1978 for the Fire Research Center.

On July 7, 1976 you vetoed H.R. 12567, which contained
authorization amounts for the Federal Fire Prevention
and Control Act identical to those included in this bill,
because it contained a constitutionally objectionable
legislative encroachment provision. That provision is not
in this bill.

Additional information is provided in OMB's enrolled bill
report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), Bill
Seidman and I recommend approval of the enrolled bill and
proposed signing statement which has been cleared by the
White House Editorial Office (Smith).

RECOMMENDATION

That you sign S. 2862 at Tab B.

That you approve the signing statement at Tab C.

Approve *MJF*

Disapprove _____



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 3 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2862 - Authorizing appropriations for the Federal Fire Prevention and Control Act of 1974
Sponsor - Sen. Magnuson (D) Washington and Sen. Pearson (R) Kansas

Last Day for Action

September 13, 1976 - Monday

Purpose

Authorizes appropriations for the National Fire Prevention and Control Administration and the Fire Research Center for the transition quarter and fiscal years 1977 and 1978.

Agency Recommendations

Office of Management and Budget	Approval
Department of Commerce	Approval (Informally)

Discussion

The Federal Fire Prevention and Control Act of 1974 established a National Fire Prevention and Control Administration (Fire Administration) in the Department of Commerce to coordinate, encourage, and facilitate programs of fire prevention and control. The Act also established a Fire Research Center in Commerce to conduct basic and applied research into the fundamental processes underlying all aspects of fire.

S. 2862 would authorize appropriations of \$3.75 million for the transition quarter, \$15 million for 1977 and \$20 million for 1978 for the Fire Administration and \$1.275 million for the transition quarter, \$5.5 million for 1977 and \$6 million for 1978 for the Fire Research Center.

The total authorization level of \$20.5 million for 1977 contained in the enrolled bill is \$10.322 million higher than proposed in your budget. However, P.L. 94-362, which you approved on July 14, 1976, provided appropriations of \$12.2 million for the Fire Administration and Fire Research Center in 1977, an acceptable amount which is about \$2 million higher than you requested. Although this bill's authorization for the transition quarter is \$2.746 million higher than requested, the funds already appropriated -- \$2.279 million -- are the amounts contained in your budget.

On July 7, 1976, you vetoed H.R. 12567, which contained authorization amounts for the Federal Fire Prevention and Control Act identical to those included in this bill, because it contained a constitutionally objectionable legislative encroachment provision. That provision is not in this bill.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

STATEMENT BY THE PRESIDENT

I have today signed into law S. 2862, a bill which authorizes appropriations for the National Fire Prevention and Control Administration and the Fire Research Center.

While I have consistently supported the important work of the National Fire Prevention and Control Administration, I vetoed a similar bill -- H.R. 12567 -- two months ago because it provided for an unacceptable legislative encroachment on the President's constitutional responsibilities over Executive Branch operations.

Upon returning the earlier bill for Congressional reconsideration, I noted it provided that:

Congress may, by concurrent resolution, "veto" a plan to commit funds for construction of the National Academy for Fire Prevention and Control. This provision extends to the Congress the power to prohibit specific transactions authorized by law, without changing the law and without following the constitutional process such a change would require. Moreover, it involves the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers.

Provisions of this type have been appearing in an increasing number of bills which this Congress has passed or is considering. Most are intended to enhance the power of the Congress over the detailed execution of the laws at the expense of the President's authority.

At my urging, the Congress has reconsidered and excluded this type of provision from the present bill. I commend the Congress for its more responsible action in deleting the objectionable provision.

Due to the great national loss caused by fires, both in terms of human lives and property, and because of the challenge of improving fire prevention and control, I am happy to sign this bill which permits the important government fire prevention and control effort to continue. With

passage of this bill, the National Fire Prevention and Control Administration will now have authority through fiscal year 1978 to carry out its important work of coordinating programs of fire prevention and control. The Fire Research Center can now continue to conduct the needed basic and applied research into the fundamental problems of fire prevention and control.

THE WHITE HOUSE

WASHINGTON

September 13, 1976

SIGNING CEREMONY FOR S. 2862
FEDERAL FIRE PREVENTION AND CONTROL AUTHORIZATION

Monday, September 13, 1976
5:00 p.m. (5 minutes)
Oval Office

From: Jim Cannon



I. PURPOSE

- To sign enrolled bill S. 2862, which authorizes appropriations for the Federal Fire Prevention and Control Administration.
- To provide an event where you can identify with the important work of the Fire Administration and America's many firefighters.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

- A. Background: You have agreed to sign this bill which authorizes appropriations for the Fire Administration and Fire Research Center through fiscal year 1978.

In July you vetoed a similar bill which provided for an unacceptable legislative encroachment on the President's constitutional responsibilities over Executive Branch operations. The Congress has now reconsidered and excluded this type of provision from the present bill.

The work of the Fire Administration, which provides leadership and planning for the national fire prevention and control effort, is important in combatting a major national problem. The United States leads all the major industrialized countries in per capita deaths and property loss from fire. Each year in the United States, it is estimated

that more than three million fires and explosions kill 12,000 people, seriously burn another 300,000 and destroy more than \$4 billion in property. Many of the victims are the very young and the aged -- those who are least able to do anything about fires. In addition, about \$7 billion annually is spent for fire departments, fire insurance and related costs by all State and local governments, business and labor groups, civic organizations and others.

B. Participants:

Secretary Elliott Richardson
Howard Tipton - Administrator of National Fire Protection and Control Administration
William Howard McClellan - President of International Association of Firefighters
Robert Edward Carter - Chairman of Joint Council of National Fire Service Organization
David Bearden Gratz - President of the International Association of Fire Chiefs
Jim Cannon
Paul Leach

C. Press Plan: To be announced; White House photo to be made available.

III. TALKING POINTS

- I am pleased that you can be with me today as I sign this Fire Prevention and Control Authorization bill.
- With passage of this revised bill, the Fire Prevention and Control Administration and Fire Research Center can continue the important effort of coordination and research for the fire prevention and control fight.
- It is absolutely essential to reduce the great national loss of lives and property caused by fires.
- I am pleased to sign this bill which helps in that effort.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 3 1976

*To: Johnson
JF 9-7-76 S:spf:m*
MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2862 - Authorizing appropriations for the Federal Fire Prevention and Control Act of 1974
Sponsor - Sen. Magnuson (D) Washington and Sen. Pearson (R) Kansas

Last Day for Action

September 13, 1976 - Monday

Purpose

Authorizes appropriations for the National Fire Prevention and Control Administration and the Fire Research Center for the transition quarter and fiscal years 1977 and 1978.

Agency Recommendations

Office of Management and Budget	Approval
Department of Commerce	Approval (Informally)

Discussion

The Federal Fire Prevention and Control Act of 1974 established a National Fire Prevention and Control Administration (Fire Administration) in the Department of Commerce to coordinate, encourage, and facilitate programs of fire prevention and control. The Act also established a Fire Research Center in Commerce to conduct basic and applied research into the fundamental processes underlying all aspects of fire.

S. 2862 would authorize appropriations of \$3.75 million for the transition quarter, \$15 million for 1977 and \$20 million for 1978 for the Fire Administration and \$1.275 million for the transition quarter, \$5.5 million for 1977 and \$6 million for 1978 for the Fire Research Center.

The total authorization level of \$20.5 million for 1977 contained in the enrolled bill is \$10.322 million higher than proposed in your budget. However, P.L. 94-362, which you approved on July 14, 1976, provided appropriations of \$12.2 million for the Fire Administration and Fire Research Center in 1977, an acceptable amount which is about \$2 million higher than you requested. Although this bill's authorization for the transition quarter is \$2.746 million higher than requested, the funds already appropriated -- \$2.279 million -- are the amounts contained in your budget.

On July 7, 1976, you vetoed H.R. 12567, which contained authorization amounts for the Federal Fire Prevention and Control Act identical to those included in this bill, because it contained a constitutionally objectionable legislative encroachment provision. That provision is not in this bill.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 7

Time: 500pm

FOR ACTION: *Bernie Leach*
Max Friedersdorf
Ken Lazarus
*Bill Seidman*cc (for information): *Jack Marsh*
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 8

Time: 500

SUBJECT:

H.2862-Authorizing appropriations for the Federal
Fire Prevention and Control Act of 1974

ACTION REQUESTED:

- For Necessary Action
 Prepare Agenda and Brief
 For Your Comments

- For Your Recommendations
 Draft Reply
 Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 10

Time: 1100am

FOR ACTION: Jim Jura
Max Friederddorf *cc*
~~Nebblaz~~ *cc* ~~Hirberg~~
Robert Hartmann *cc*
Bill Seidman

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 2862-Authorization ~~App~~ Appropriations for the Federal Fire Prevention and Control Act of 1974

(Signing statement)

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston,

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 10

Time: 1100am

FOR ACTION: Jim Jura
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann
Bill Seidman ✓cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 2862-Authorization of Appropriations for the Federal Fire Prevention and Control Act of 1974

(Signing statement)

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston,

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President



**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**

Washington, D.C. 20230

SEP 3 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning S. 2862, an enrolled enactment

"To authorize appropriations for the Federal Fire Prevention and Control Act of 1974."

S. 2862 would amend section 17 of the Federal Fire Prevention and Control Act of 1974, which authorizes funding for carrying out the purposes of the Act, to authorize not to exceed \$3,750,000 for the transitional quarter beginning July 1, 1976 and ending September 30, 1976; not to exceed \$15,000,000 for the fiscal year ending September 30, 1977; and not to exceed \$20,000,000 for the fiscal year ending September 30, 1978.

Section 16(b) of the Act of March 3, 1901, which authorizes a Fire Research Center located in the National Bureau of Standards, would be amended to provide authorization of not to exceed \$1,275,000 for the transitional fiscal year beginning July 1, 1976 and ending September 30, 1976; not to exceed \$5,500,000 for the fiscal year ending September 30, 1977; and not to exceed \$6,000,000 for the fiscal year ending September 30, 1978.

S. 2862 does not contain the provision providing an opportunity for Congressional disapproval with respect to plans for construction of the National Academy for Fire Prevention and Control which was objected to by the President in his veto of H.R. 12567, a related bill, on July 7, 1976.



This Department recommends approval by the President of S. 2862.

Public Law 94-362, the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977" appropriated for FY 1977, a total of \$12,239,000 for the National Fire Prevention and Control Administration, and a total of \$68,785,000 for Science and Technical Research which would include necessary expenses of the National Bureau of Standards and its Fire Research Center.

Sincerely,


General Counsel

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 7

Time: 500pm

FOR ACTION: Paul Leach
Max Friedersdorf
Ken Lazarus
Bill Seidman

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 8

Time: 500

SUBJECT:

S.2862-Authorizing appropriations for the Federal
Fire Prevention and Control Act of 1974

ACTION REQUESTED:

- For Necessary Action For Your Recommendations
 Prepare Agenda and Brief Draft Reply
 For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Approved Kelley 9/8/76

PLEASE ATTACH THIS COPY TO MATERIALS YOU SUBMIT

If you have any questions or if you anticipate a
delay in submitting the required material, please

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 7

Time: 500pm

FOR ACTION: Paul Leach
Max Friedersdorf
Ken Lazarus
Bill Seidman

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 8

Time: 500

SUBJECT:

S.2862-Authorizing appropriations for the Federal
Fire Prevention and Control Act of 1974

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

APPROVE
RBP

PLEASE ATTACH THIS COPY TO MATERIALS SUBMITTED

If you have any questions or if you anticipate a
delay in submitting the required material, please

THE WHITE HOUSE
WASHINGTON

September 9, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.*
SUBJECT: S.2862 - Authorizing appropriations for
the Federal Fire Prevention and Control
Act of 1974

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

Rec. 9/10/76 - 12:05 pm
n

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 

Date: September 10

Time: 1100am

FOR ACTION: Jim Jura
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann✓
Bill Seidman
FROM THE STAFF SECRETARY

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

To AEs

9/10 12:55

6/Am

to D-1 S

9-10 1:19

6/Am

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 2862-Authorization of Appropriations for the Federal Fire Prevention and Control Act of 1974

(Signing statement)

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston,

ok/mwb

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

STATEMENT BY THE PRESIDENT

I have today signed into law S. ~~2862~~, a bill which authorizes appropriations for the National Fire Prevention and Control Administration and the Fire Research Center.

While I have consistently supported the important work of the National Fire Prevention and Control Administration, I vetoed ⁷⁻⁷⁻⁷⁶ a similar bill --- H.R. ~~12567~~ --- two months ago because it provided for an unacceptable legislative encroachment on the President's constitutional responsibilities over Executive Branch operations.

Upon returning the earlier bill for Congressional reconsideration, I noted it provided that:

Veto New 7-7-76
Congress may, by concurrent resolution, "veto" a plan to commit funds for construction of the National Academy for Fire Prevention and Control. This provision extends to the Congress the power to prohibit specific transactions authorized by law, without changing the law and without following the constitutional process such a change would require. Moreover, it involves the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers.

Provisions of this type have been appearing in an increasing number of bills which this Congress has passed or is considering. Most are intended to enhance the power of the Congress over the detailed execution of the laws at the expense of the President's authority.

At my urging, the Congress has reconsidered the wisdom of this earlier provision and excluded this type of provision from the present bill. I commend the Congress for its more responsible action in deleting the objectionable provision.

Because of the major national cost of fires, both in terms of human lives and property, and because of the challenges presented in assuring improved fire prevention and control, I take pleasure in now being able to sign this bill which permits the important government fire prevention and control effort to continue. With passage of this bill, the National Fire Prevention and Control Administration will now have authority through fiscal year 1978 to carry out its important work of coordinating, encouraging and facilitating programs of fire prevention and control. Furthermore, the Fire Research Center can **CONTINUE** [redacted] to conduct the needed basic and applied research into the fundamental problems of fire prevention and control.

*Bush of
Parliament*

9/10/76 - 12:05 pm
n

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 10

Time: 1100am

FOR ACTION: Jim Jura
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann ✓
Bill Seidman

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 2862-Authorization of Appropriations for the Federal Fire Prevention and Control Act of 1974

(Signing statement)

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston,

9/10 - copy sent for researching nm

9/10 - Researched copy returned. nm

*Spencer D. Jones
9/10/76*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 10

Time: 1100am

FOR ACTION: Jim Jura
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann
Bill Seidman

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 2862-Authorization of Appropriations for the Federal Fire Prevention and Control Act of 1974

(Signing statement)

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston,

approve Kilberg 9/10/76
J

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 10

Time: 1100am

FOR ACTION: Jim Jura
Max Friedersdorf
Bobbie Kilberg
Robert Hartmann
Bill Seidman

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 2862-Authorization of Appropriations for the Federal Fire Prevention and Control Act of 1974

(Signing statement)

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston,

O.K. - my.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 10

Time: noon

FOR ACTION: Max Friedersdorf *(initials)* cc (for information): Jack Marsh
Bill Seidman Jim Connor
Robert Hartmann Ed Schmults
Jim Lynn
Bobbie Kilberg

FROM THE STAFF SECRETARY

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 8800-Electric and Hybrid Vehicle Research,
Development and Demonstration Act, 1976
(revised veto message and signing statement)

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

please return to judy johnston, ground floor west wing

Cannon - my

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James M. Cannon
For the President

Date: September 10

Time: 1130am

FOR ACTION: Max Friedersdorf
Ken Lazarus
Robert Hartmann
Jim Lynncc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 10

Time: 200pm

SUBJECT:

H.R. 8410-Livestock packer bonding
(Signing statement)

ACTION REQUESTED:

- For Necessary Action
 Prepare Agenda and Brief
 For Your Comments

- For Your Recommendations
 Draft Reply
 Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommends approval + signing ceremony**O.K.**JMF*PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

STATEMENT BY THE PRESIDENT

I have today signed into law S. 2862, a bill which authorizes appropriations for the National Fire Prevention and Control Administration and the Fire Research Center.

While I have consistently supported the important work of the National Fire Prevention and Control Administration, I vetoed a similar bill --- H.R. 12567 --- two months ago because it provided for an unacceptable legislative encroachment on the President's constitutional responsibilities over Executive Branch operations.

Upon returning the earlier bill for Congressional reconsideration, I noted it provided that:

Congress may, by concurrent resolution, "veto" a plan to commit funds for construction of the National Academy for Fire Prevention and Control. This provision extends to the Congress the power to prohibit specific transactions authorized by law, without changing the law and without following the constitutional process such a change would require. Moreover, it involves the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers.

Provisions of this type have been appearing in an increasing number of bills which this Congress has passed or is considering. Most are intended to enhance the power of the Congress over the detailed execution of the laws at the expense of the President's authority.

At my urging, the Congress has reconsidered the wisdom of this earlier provision and excluded this type of provision from the present bill. I commend the Congress for its more responsible action in deleting the objectionable provision.

Because of the major national cost of fires, both in terms of human lives and property, and because of the challenges presented in assuring improved fire prevention and control, I take pleasure in now being able to sign this bill which permits the important government fire prevention and control effort to continue. With passage of this bill, the National Fire Prevention and Control Administration will now have authority through fiscal year 1978 to carry out its important work of coordinating, encouraging and facilitating programs of fire prevention and control. Furthermore, the Fire Research Center can **CONTINUE** [REDACTED] to conduct the needed basic and applied research into the fundamental problems of fire prevention and control.

(PSA)

STATEMENT BY THE PRESIDENT

I have today signed into law S. 2862, a bill which authorizes appropriations for the National Fire Prevention and Control Administration and the Fire Research Center.

While I have consistently supported the important work of the National Fire Prevention and Control Administration, I vetoed a similar bill --- H.R. 12567 --- two months ago because it provided for an unacceptable legislative encroachment on the President's constitutional responsibilities over Executive Branch operations.

Upon returning the earlier bill for Congressional reconsideration, I noted it provided that:

Congress may, by concurrent resolution, "veto" a plan to commit funds for construction of the National Academy for Fire Prevention and Control. This provision extends to the Congress the power to prohibit specific transactions authorized by law, without changing the law and without following the constitutional process such a change would require. Moreover, it involves the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers.

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At my urging, the Congress has reconsidered ~~the wisdom of this~~
~~earlier provision~~ and excluded this type of provision from the present bill. I commend the Congress for its more responsible action in deleting the objectionable provision.

~~Due to the great national loss caused by~~
~~Because of the major national cost of fires, both in terms of~~
human lives and property, and because of the challenge ~~presented~~
~~of ensuring improved fire prevention and control, I am happy~~
~~in now being able to sign this bill which permits the important~~
government fire prevention and control effort to continue. With passage of this bill, the National Fire Prevention and Control Administration will now have authority through fiscal year 1978 to carry out its important work of coordinating ~~encouraging and~~
~~facilitating~~ programs of fire prevention and control. ~~Furthermore,~~
~~The Fire Research Center can~~ ^{now continue} ~~to conduct the needed~~
basic and applied research into the fundamental problems of fire prevention and control.

Calendar No. 821

94TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 94-864

FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

MAY 18, 1976.—Ordered to be printed

Mr. BYRD of West Virginia (for Mr. MAGNUSON), from the Committee on Commerce, submitted the following

REPORT

[To accompany S. 2862]

The Committee on Commerce, to which was referred the bill (S. 2862) to authorize appropriations for the Federal Fire Prevention and Control Act of 1974, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

SUMMARY AND DESCRIPTION

The purpose of this legislation is to authorize additional appropriations to implement the Federal Fire Prevention and Control Act of 1974. S. 2862 would authorize \$3.75 million for the transitional fiscal quarter of July 1, 1976 through September 30, 1976; \$15 million for the fiscal year ending September 30, 1977; and \$20 million for the fiscal year ending September 30, 1978, to implement the Federal Fire Prevention and Control Act of 1974, except section 11 relating to reimbursement for costs of firefighting on Federal property. Additionally, the bill would amend the act of March 3, 1901 to authorize \$1,275,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976; \$5.5 million for the fiscal year ending September 30, 1977; and \$6 million for the fiscal year ending September 30, 1978, to carry out the activities of the Fire Research Center of the National Bureau of Standards.

BACKGROUND AND NEED

Three years ago the National Commission on Fire Prevention and Control startled the Nation when it disclosed that the United States—the richest and most technologically advanced Nation in the world—led all the major industrialized countries in per capita deaths and

property loss from fire. According to the Commission, fire claims nearly 12,000 lives annually in the United States, injures 300,000 and inflicts more than \$11.4 billion per year in economic loss. Congress responded by enacting the Federal Fire Prevention and Control Act of 1974.

The National Fire Prevention and Control Administration within the Department of Commerce was established to implement the new Fire Prevention and Control Act. Its growth during 1975 and 1976 has been controlled so as to insure an efficient and effective fire program. This growth must continue, however, if the Fire Administration is to meet its expressed goal—a 50-percent reduction in fire losses in the United States within 10 years.

In considering this legislation, the committee solicited comments from the public on the needs of the new Fire Administration. Without dissent, the commentors were generally pleased with the progress of the Fire Administration thus far and urged, at a minimum, funding levels consistent with those contained in S. 2862, as reported. Every segment of the fire service community supported the original enactment of this legislation, and this universal support continues today—1½ years later.

The Federal Fire Prevention and Control Act created a multi-faceted program designed to combat the fire problem in the United States. The Fire Administration is mandated to undertake a program of education and training. To this end, a National Academy for Fire Prevention and Control has been created to advance the professional development of all persons engaged in fire prevention and control activities. The National Academy is designed to provide specialized training in the areas important to the fire services and to assist State and local jurisdictions in their training programs in order to help reduce fire losses nationwide through the education and training of fire service personnel, building designers, code officials, and others concerned with fire prevention and control.

Another aspect of the education and training activities of the Fire Administration is the public education program which is designed to reduce fire incidents and fire-related deaths and injuries through the development and dissemination of effective fire prevention education programs. Lack of understanding of the threat of fire and of fire prevention methods, whether through ignorance or indifference, was found by the National Commission to be one of the major contributing factors to this country's serious fire problem. Documented fire prevention education programs have demonstrated that death and injury rates can be decreased by as much as 52 percent when the programs are targeted to specific high-risk groups and specific fire problems in geographic regions or communities. The public education program also conducts research to determine the most effective ways to educate the public.

Another major component of the program mandated by the Federal Fire Prevention and Control Act is the implementation of a National Fire Data Center. This data collection effort will, for the first time, furnish a body of data from newly developed sources and a consolidation of presently fragmented sources which can be used for decision-making. The data will (1) provide an accurate nationwide analysis of the fire problem; (2) identify major problem areas; (3) assist in setting

priorities; (4) determine possible solutions to problems; and (5) monitor the progress of programs to reduce fire losses.

Research and development is another important aspect of the fire prevention and control program. Technology development geared toward making available improved devices and equipment incorporating the latest technology is one facet of the research and development program. This technology development program focuses on improved safety for firefighters who, according to the latest Department of Labor statistics, have one of the most hazardous occupations in the Nation. Some progress has already been made in this area with the introduction of flame-resistant materials for turnout coats and the development of lighter weight breathing apparatus. But, there is still much to do in this area and this remains one of the most important functions of the new Administration.

The research and development program is also geared toward developing and suggesting improvements in codes, standards, regulations, and the administration of such codes, standards, and regulations. To achieve public health and safety, Federal, State, and local governments have historically relied upon regulatory approaches following disasters or epidemics. While oftentimes these regulatory approaches accomplish their intended goal, cost-effectiveness studies are rarely undertaken and alternatives are rarely explored to determine if they might achieve the same objectives with fewer undesirable side effects. It is important that the Fire Administration, as a governmental leader in fire safety, explore and determine optimum strategies for each safety objective.

Additionally the Act specifically mandates the Fire Administration to examine the need for fire safety effectiveness statements and master planning for fire prevention and control. This should continue to be a high priority in the Fire Administration's program.

The Federal Fire Prevention and Control Act of 1974 also established the Fire Research Center within the National Bureau of Standards. The Fire Research Center works closely with the fire community, through the technical contacts arising from its National Bureau of Standards (NBS) affiliation and through dissemination of research results through the National Fire Prevention and Control Administration. The work of the Center is particularly important for the construction industry and manufacturers of consumer products, especially furniture and apparel. Improved fire test methods and new design concepts arising from an improved knowledge of fire behavior can lead to a significant reduction in economic resources expended by industry as a result of fire.

Accomplishing the Fire Administration's goal to reduce U.S. fire losses by 50 percent in the next decade requires the support of Congress by providing an adequate level of resources to the National Fire Prevention and Control Administration. The level of expenditure provided in the budget request submitted to Congress—\$10,178,000—is below the minimum level required to implement the program adequately. The authorization level provided in S. 2862 represents the committee's belief that the allocation for the Fire Administration is deficient. The following chart compares the expenditures of the Fire Administration for fiscal year 1976, the budget request of the Depart-

ment of Commerce to the Office of Management and Budget for fiscal year 1977, and the budget request submitted to Congress:

Comparison by activities	1976 obligations		Department of Commerce request to OMB 1977 estimate		Budget request submitted to Congress 1977 estimate	
	Perma-nent positions	Amount	Perma-nent positions	Amount	Perma-nent positions	Amount
Education and training:						
National Academy for Fire Prevention and Control	15	\$1,420	30	\$2,679	30	\$2,082
Public education.....	3	228	18	1,226	3	229
Subtotal, education and training.....	18	1,648	48	3,905	33	2,311
National Fire Data Center.....	22	1,125	25	1,962	22	1,280
Research and development:						
National Fire Safety Research Office.....	11	3,181	21	3,666	11	2,879
Fire Research Center.....		3,133		4,034		3,256
Subtotal, research and development.....	11	6,314	21	7,700	12	6,135
General administration.....	12	604	20	711	12	452
Total requirements.....	63	9,691	114	14,278	78	10,178
Appropriation requested.....		8,618		14,278		10,178

Funding of the Federal Fire Prevention and Control Act at the level of expenditure contained in the budget request submitted to Congress would seriously inhibit the implementation of several important components of the program which are at critical stages of development.

Community fire protection master planning is a major program of the Fire Administration designed to provide the tools and training for communities to assess their own fire risk and provide public protection on a cost-effective basis. It is a program which the Fire Administration is required to develop and evaluate under the Act. National validation and implementation of the program and the subsequent report to Congress will be delayed unless \$300,000 of the funds requested by the Department of Commerce but rejected by OMB for research and development is restored.

Other work in the research and technology program will suffer if the funding level submitted to Congress is not increased. For example, completion of the project to develop firefighters' protective equipment—work which directly affects 2 million firefighters—will be delayed. Regulatory impact studies will also be seriously delayed.

The National Bureau of Standards' Fire Research Center would also be adversely affected by the low budget level submitted to Congress. Failure to add the \$778,000 requested by the Department of Commerce will cause delays in such programs as residential fire detection and extinguishing systems and the development of criteria to be used by regulatory authorities and manufacturers to identify and eliminate materials which produce unusually hazardous combustion products. Two other serious effects on the NBS programs will be a reduction in fire research grants to universities and the need to dismiss NBS staff and the subsequent dissolution of a highly qualified and unique team of research personnel.

Another component of the Fire Administration's program which will be adversely affected is the public education effort. Of particular concern is the impact on the National Academy for Fire Prevention and Control. Unless a higher level of funding is allotted, we can expect a delay in several important Academy programs including the development, testing, and teaching of much-needed model curriculums and training programs—for example, arson investigation, accreditation programs for State and local colleges and universities, assistance to States for development of fire education and training plans, and establishment of the Board of Visitors and Committee on Education and Training required by the Act.

The Fire Administration's initiatives to educate members of the public has been one of the most successful efforts at the local level. The Administration's limited programs to date have stimulated great interest in public education as a viable means of reducing losses. The public education program needs to conduct educational research and pilot programs dealing with fire-setting behavior and fire safety for high-risk groups (particularly the very young and the elderly), and to expand the use of successful home fire safety programs. Increased funding for this program is particularly important.

Finally, as explained above, one of the most important programs of the Fire Administration is the National Fire Data Center. Without comprehensive fire loss information, it is virtually impossible for the Fire Administration to target problems for the most cost-effective means of reducing losses. Nor can the Fire Administration measure the effectiveness of loss reduction activities. Accordingly, it is important that this activity of the Fire Administration be adequately funded.

SECTION-BY-SECTION ANALYSIS

S. 2862 would amend section 17 of the Federal Fire Prevention and Control Act to authorize for appropriation \$3,750,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976; \$15 million for fiscal year ending September 30, 1977; and \$20 million for fiscal year ending September 30, 1978. It would also amend section 16(b) of the Act of March 3, 1901 to authorize to be appropriated \$1,275,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976; \$5,500,000 for the fiscal year ending September 30, 1977; and \$6 million for the fiscal year ending September 30, 1978, for the Fire Research Center in the National Bureau of Standards.

CHANGES IN EXISTING LAW

In compliance with section (4) of rule XXIX of the Standing Rules of the Senate, changes in the existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 17 OF THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

15 U.S.C. 2216

【AUTHORIZATION OF APPROPRIATIONS

SEC. 17. There are authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, such sums as are necessary, not to exceed \$10,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$15,000,000 for the fiscal year ending June 30, 1976.】

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. There are authorized to be appropriated to carry out the foregoing provisions of this Act, except section 11 of this Act, not to exceed \$3,750,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976, not to exceed \$15,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$20,000,000 for the fiscal year ending September 30, 1978.

SECTION 16(b) OF THE ACT OF MARCH 3, 1901

15 U.S.C. 278f(b))

SEC. 16(a) * * *

【(b) AUTHORIZATION OF APPROPRIATION.—For purposes of this section, there are authorized to be appropriated not to exceed \$5,000,000 for the fiscal year ending June 30, 1975 and not to exceed \$8,000,000 for the fiscal year ending June 30, 1976.】

(b) *AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, there are authorized to be appropriated not to exceed \$1,275,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976, not to exceed \$5,500,000 for the fiscal year ending September 30, 1977, and not to exceed \$6,000,000 for the fiscal year ending September 30, 1978.*

ESTIMATED COSTS

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the cost of this legislation, in the form of authorization for appropriations, is \$5,025,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976; \$20,500,000 for the fiscal year ending September 30, 1977; and \$26,-000,000 for the fiscal year ending September 30, 1978.

TEXT OF S. 2862, AS REPORTED

A BILL To authorize appropriations for the Federal Fire Prevention and Control Act of 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 17. There are authorized to be appropriated to carry out the foregoing provisions of this act, except section 11 of this act, not to exceed \$3,750,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976, not to exceed \$15,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$20,000,000 for the fiscal year ending September 30, 1978.".

(b) Section 16(b) of the act of March 3, 1901 (15 U.S.C. 278f(b)) is amended to read as follows:

"(b) **AUTHORIZATION OF APPROPRIATIONS.**—For purposes of this section, there are authorized to be appropriated not to exceed \$1,275,000 for the transitional fiscal quarter of July 1, 1976 through September 30, 1976, not to exceed \$5,500,000 for the fiscal year ending September 30, 1977, and not to exceed \$6,000,000 for the fiscal year ending September 30, 1978.".

AGENCY COMMENTS

Agency comments were requested but none were received as of the date the bill was reported.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To authorize appropriations for the Federal Fire Prevention and Control Act
of 1974.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,* That (a) section 17
of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C.
2216) is amended to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 17. There are authorized to be appropriated to carry out the
foregoing provisions of this Act, except section 11 of this Act, not to
exceed \$3,750,000 for the transitional fiscal quarter of July 1, 1976,
through September 30, 1976, not to exceed \$15,000,000 for the fiscal
year ending September 30, 1977, and not to exceed \$20,000,000 for the
fiscal year ending September 30, 1978.”.

(b) Section 16(b) of the Act of March 3, 1901 (15 U.S.C. 278f(b))
is amended to read as follows:

“(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of this
section, there are authorized to be appropriated not to exceed \$1,275,000
for the transitional fiscal quarter of July 1, 1976, through September
30, 1976, not to exceed \$5,500,000 for the fiscal year ending September
30, 1977, and not to exceed \$6,000,000 for the fiscal year ending
September 30, 1978.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

FOR IMMEDIATE RELEASE

September 13, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

SIGNING OF S. 2862 - FEDERAL FIRE PREVENTION
AND CONTROL AUTHORIZATION

The President today signed S. 2862, a bill authorizing appropriations for the Federal Fire Prevention and Control Act of 1974.

On July 7, 1976, the President had vetoed an earlier version of this bill (H.R. 12567) because it provided for unacceptable Congressional interference in the operations of the Executive branch. The bill being signed today does not contain that objectionable provision.

BACKGROUND ON FIRE ADMINISTRATION

The Federal Fire Prevention and Control Act of 1974 established a National Fire Prevention and Control Administration ("Fire Administration") in the Department of Commerce to coordinate, encourage, and facilitate programs of fire prevention and control. The Act also established a Fire Research Center, as well as a National Academy for Fire Prevention and Control, as part of the Fire Administration, to advance the professional development of fire service personnel and of other persons engaged in fire prevention and control.

The work of this Federal agency is important in dealing with a major national problem. The United States leads all the major industrialized countries in per capita deaths and property loss from fire. Each year in the United States, it is estimated that more than three million fires and explosions kill 12,000 people, seriously burn another 300,000 and destroy more than \$4 billion in property. Many of the victims are the very young and the aged -- those who are least able to do anything about fires.

About \$7 billion annually is spent for fire departments, fire insurance and related costs by all State and local governments, business and labor groups, civic organizations and others. The role of the Fire Administration is to provide some of the leadership and planning for this large national fire prevention and control effort.

DESCRIPTION OF THE BILL (S. 2862)

This bill authorizes appropriations of \$5.025 million for the transition quarter, \$20.5 million for fiscal year 1977 and \$26.0 million for fiscal year 1978 for the Commerce Department's Fire Administration and Fire Research Center.

THE EARLIER BILL VETOED (H.R. 12567)

That bill contained authorization amounts for the Fire Administration and Fire Research Center which were identical to those included in the bill signed today.

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The vetoed bill, however, also required the Secretary of Commerce to submit to the House Committee on Science and Technology and the Senate Commerce Committee the plans for construction of the National Academy for Fire Prevention and Control "before a commitment may be made to obligate funds for the construction of any facility of the Academy." If Congress, by concurrent resolution, disapproved the proposed commitment of funds within 60 calendar days of the submission of such plans, the Secretary was not permitted to obligate the funds.

Returning H.R. 12567 to the Congress on July 7, 1976, the President said:

I am disapproving H.R. 12567 because it contains a provision that would seriously obstruct the exercise of the President's constitutional responsibilities over Executive branch operations. Section 2 of the enrolled bill provides that Congress may, by concurrent resolution, "veto" a plan to commit funds for construction of the National Academy for Fire Prevention and Control. This provision extends to the Congress the power to prohibit specific transactions authorized by law, without changing the law and without following the constitutional process such a change would require. Moreover, it involves the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers.

Provisions of this type have been appearing in an increasing number of bills which this Congress has passed or is considering. Most are intended to enhance the power of the Congress over the detailed execution of the laws at the expense of the President's authority. I have consistently opposed legislation containing these provisions, and will continue to oppose actions that constitute a legislative encroachment on the Executive branch.

I urge the Congress to reconsider H.R. 12567 and to pass a bill I can accept so that it will be possible for the National Fire Prevention and Control Administration to proceed with its important work.

At the urging of the President, the Congress has reconsidered this prior action and excluded this objectionable provision from the bill signed today.

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FOR IMMEDIATE RELEASE

SEPTEMBER 13, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have today signed into law S. 2862, a bill which authorizes appropriations for the National Fire Prevention and Control Administration and the Fire Research Center.

While I have consistently supported the important work of the National Fire Prevention and Control Administration, I vetoed a similar bill -- H.R. 12567 -- two months ago because it provided for an unacceptable legislative encroachment on the President's constitutional responsibilities over Executive Branch operations.

Upon returning the earlier bill for Congressional reconsideration, I noted it provided that:

Congress may, by concurrent resolution, "veto" a plan to commit funds for construction of the National Academy for Fire Prevention and Control. This provision extends to the Congress the power to prohibit specific transactions authorized by law, without changing the law and without following the constitutional process such a change would require. Moreover, it involves the Congress directly in the performance of Executive functions in disregard of the fundamental principle of separation of powers.

Provisions of this type have been appearing in an increasing number of bills which this Congress has passed or is considering. Most are intended to enhance the power of the Congress over the detailed execution of the laws at the expense of the President's authority.

At my urging, the Congress has reconsidered and excluded this type of provision from the present bill. I commend the Congress for its more responsible action in deleting the objectionable provision.

Due to the great national loss caused by fires, both in terms of human lives and property, and because of the challenge of improving fire prevention and control, I am happy to sign this bill which permits the important government fire prevention and control effort to continue. With passage of this bill, the National Fire Prevention and Control Administration will now have authority through fiscal year 1978 to carry out its important work of coordinating programs of fire prevention and control. The Fire Research Center can now continue to conduct the needed basic and applied research into the fundamental problems of fire prevention and control.

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